

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

PAMELA BARNES,)	
Plaintiff,)	
)	
v.)	Cause No. 3:24-cv-00051-MPB-CSW
)	
OAKLAND CITY UNIVERSITY,)	
Defendant.)	

DEFENDANT’S STATEMENT OF DEFENSES

Comes now Defendant, Oakland City University (“OCU” or “Defendant”), by counsel, and submits herewith its Statement of Defenses, pursuant to the Court’s Order on the Amended Case Management Plan [Dkt. No. 40], as follows:

1. One or more of Plaintiff’s claims fail to state a claim upon which relief may be granted.
3. At all times relevant hereto, Defendant acted in good faith and did not violate any rights which may be secured to Plaintiff under the applicable federal, state, or local laws, rules, regulations, or guidelines.
4. Any employment actions with regard to Plaintiff were taken for legitimate, non-discriminatory reasons.
5. Any employment actions with regard to Plaintiff were based upon good faith honest beliefs that such actions were taken for non-discriminatory legitimate business reasons.
6. Plaintiff’s gender-related claims fail because she cannot identify any similarly situated employee outside her protected classifications who received preferential treatment under the same or substantially similar circumstances.

7. Plaintiff's gender-related claims must fail because she cannot show that she was meeting her employer's legitimate performance expectations.

8. Plaintiff's retaliation claim must fail because she cannot show that she was engaged in a protected activity.

9. To the extent that Plaintiff's Complaint contains new claims which were not part of her Charge of Discrimination filed with the Equal Employment Opportunity Commission, she has failed to exhaust her administrative remedies.

10. Plaintiff's claims for relief are barred in whole or in part by the doctrines of equitable stopper, waiver and unclean hands.

11. Plaintiff's demand for damages fails to the extent she has failed, in whole or in part, to mitigate her damages and any damages suffered by Plaintiff were a result of her own actions or inactions.

12. Plaintiff has failed to state facts sufficient to support an award of compensatory, punitive or any other damages against Defendant.

13. Plaintiff is barred from asserting any claim for punitive damages since any alleged discriminatory conduct would be contrary to Defendant's anti-discrimination policies and procedures all of which constitute good faith efforts to comply with the applicable federal laws.

14. Any statements made by Defendant were true or made with belief or reasonable grounds to believe that the statements made were true and were protected by qualified privilege.

15. Plaintiff's defamation claim must fail because she cannot show any statements were made to third parties.

Defendant reserves any and all rights it may have to raise additional defenses at trial.

Respectfully submitted,

/s/ Karey L. Cain

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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2025, a copy of the foregoing Defendant's Statement of Defenses was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Filing System. Parties may access this filing through the Court's system.

/s/ Karey L. Cain

Karey L. Cain